



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes Council Work Session

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Monday, July 25, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present** 8 - Councilmember Larry Bagley, Councilmember Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, and Councilmember Andy Pico
- Excused** 1 - Councilmember Tom Strand

2. Changes to Agenda

Councilmember Knight stated he and Councilmember Strand would like to pull agenda item 8.H., off the agenda and postpone the discussion to the August 22, 2016 work session. Consensus of Council agreed to this request.

3. Regular Meeting Comments

Councilmember Knight stated he will request agenda item 11.A., be postponed to the August 23, 2016 meeting.

Council President Bennett stated there has been a request to postpone agenda item 12.C. from the meeting tomorrow to the August 23, 2016 meeting.

Sarah Johnson, City Clerk, stated the attachments for items 9.A. and 9.B. included on the agenda for the meeting tomorrow were reversed. This has been corrected.

4. Review of Previous Meeting Minutes

- 4.A. [16-483](#) City Council Work Session Meeting Minutes July 11, 2016

Presenter:
Sarah Johnson, City Clerk

Attachments: [2016-07-11 Work Session Draft](#)

The Meeting Minutes were approved as presented.

5. Executive Session

5A. Open

There was not an Open Executive Session.

5B. Closed

There was not a Closed Executive Session.

6. Staff and Appointee Reports

6.A. [16-00142](#) Financial Report - Memorial Health System Enterprise

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [MHS Financial Report June 2016](#)

There were no questions or comments on the Memorial Health System Enterprise financial report.

6.B. [16-00023](#) Quarterly Strategic Plan Implementation Update

Presenter:

Nina Vetter, Senior Analyst, Finance

Attachments: [2016 Q2 Strategic Plan Progress](#)

Nina Vetter, Senior Analyst, Finance, presented a summary of the highlights of the progress toward meeting the goals of the Strategic Plan over the past quarter.

Councilmember Murray requested he be involved in the next HOPE Services project and asked he be contacted to be included in the next website update.

6.C. [15-00794](#) Agenda Planner Review

Presenter:

Eileen Lynch Gonzalez, City Council Administrator

Attachments: [072516 Agenda Planner Review MEMO](#)

Councilmember Pico stated the City Code of Ethics discussion scheduled for August 9, 2016 will be delayed.

Councilmember Knight stated the Planning Appeals process discussion will be delayed to the August 9, 2016 meeting per a request from the Planning Department.

Councilmember Knight requested the Council Memo including the results of the agenda planner be prepared and provided to Council and that the action item review process be included in meetings and minutes.

7. Presentations for General Information

7.A. [16-342](#) Pikes Peak Library District Briefing & Update

Presenter:
John Spears, Executive Director

Attachments: [072516 PPLD Presentation](#)

Cathy Grossman, President of the Pikes Peak Library District, provided a brief summary of the services and resources of the library.

Kathleen Owings, Past President, presented a summary of the accomplishments of the library district over the past year.

John Spears, Executive Director, provided an overview of the plans for the library district.

7.B. [16-400](#) Status Update for the Downtown Transit Station Study

Presenter:
Brian Vitulli, Transit Services Planning Supervisor

Attachments: [DTS City Council Presentation20160715](#)

Brian Vitulli, Transit Services Planning Supervisor, presented an overview of the Downtown Transit Station Relocation project.

Rhonda Bell, Project Manager for the Downtown Transit Station Relocation Project Study, provided detailed information about the relocation study.

Councilmember Murray suggested the facility include a parking structure and asked if facility designs have been considered. Mr. Vitulli stated the focus of this study is to meet the primary goals of the project, additional and future uses will be considered later in the process.

Council President Pro Tem Gaebler requested additional information about how property ownership is included in the consideration process. Ms. Bell stated property ownership and planned developments are included in the consideration process. Owners of potential properties identified in phase one of the study will be contacted in the next phase of the study to determine their disposition regarding this potential property use.

Councilmember Murray asked if the Olympic Museum will be included in the location consideration. Ms. Bell stated yes and the pedestrian access bridge will be considered as well.

Mr. Vitulli stated the final results of the study will be presented to Council in late September or early October.

8. Items for Introduction

- 8.A.** [16-453](#) Ordinance No. 16-79 amending Section 302 (Classification and Occupation Tax Established) of Part 3 (Occupation Tax on Liquors) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Lodging and Entertainment Licenses

Presenter:

Sarah Johnson, City Clerk

Attachments: [HB16-1439 - Lodging and Entertainment License](#)
[Clerk-LiquorCodeLodgingEntORD-2016-06-23](#)
[Clerk-LiquorCodeLodgingEntORD-2016-06-23.docx](#)
[Signed Ordinance 16-79.pdf](#)

Sarah Johnson, City Clerk, explained the State legislature has created a new liquor license type, this ordinance and resolution will include this new license type in City Code and Liquor Board Review Procedure.

Councilmember Murray asked how this would affect Starbucks and their new menu offering of beer and wine. Ms. Johnson stated this will not affect them as they are not considered lodging or entertainment facilities.

- 8.B.** [16-454](#) A resolution amending the Liquor and Beer Licensing Board Rules of

Procedure and accepting and adopting the fees for Lodging and Entertainment License set forth in the Colorado Liquor Code

Presenter:

Sarah Johnson, City Clerk

Attachments: [LiquorBoard-RulesRES-2016-06-23](#)
[LiquorBoard-RulesRES-2016-06-23.docx](#)
[Signed Resolution 78-16.pdf](#)

Please see comments in agenda item 8.A.

- 8.C.** [16-485](#) Ordinance No. 16-80 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Public Safety Sales Tax (PSST) Fund in the amount of \$3,200,000 for Public Safety Projects

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [PSST fund Supplemental - 3 projects - Ordinance.doc](#)
[Signed Ordinance 16-80.pdf](#)

Kara Skinner, CFO, explained funds are available to cover the cost of three planned projects; a police firing range, the renovation of Fire Station 1 and additional funds for the planned Sand Creek police substation. These funds can be placed in one account or into three accounts. The Finance Department is proposing the singular fund due to the uncertainty of costs; however, they are willing to amend the proposal to establish three project specific accounts.

Councilmember Knight stated he and Councilmember Collins recommend placing the funds into three separate accounts. Consensus of Council agreed with this suggestion. Ms. Skinner stated she will amend the proposal to establish an account for each project.

- 8.D.** [16-467](#) Ordinance No. 16-83 creating a new Appendix P (Indoor Flora Grow Operations in Residential Occupancies) to Chapter 8, Article 4, Part 1, Section 105 of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Ted Collas, Interim Fire Chief, CSFD
Brett Lacey, Fire Marshal, CSFD

Attachments: [App-P_IndoorFloraGrow_ORD_FINAL](#)
[LETTER FBA Support Appendix P 2016 06 23](#)
[FireCode-App-P_IndoorFloraGrow_ORD_DRAFT-7-7-2016.docx](#)
[LETTER CONO Support Appendix P 2016 06 22](#)
[PRESENTATION Regulation of Flora Grow Operations 2016 07 27 v2](#)
[Signed Ordinance 16-83.pdf](#)

Brett Lacey, Fire Marshal, introduced this proposal that stemmed out of issues related to illegal residential marijuana home growing facilities. Mr. Lacey stressed this is not solely aimed at residents growing marijuana. Big box stores are now selling flora growing kits which can pose a fire danger to the community. This proposal will prohibit the intensive growth of flora in residential facilities. Safety concerns stemming from these operations include increased fire danger due to grow lights, electrical safety hazards created by extensive ventilation and the presence of chemicals in homes. This proposal will limit the amount of square feet allowed for growing flora in residences. All fire department actions will be based solely on complaints.

Councilmember Murray expressed concern about selective enforcement and requested additional language be included in the proposal to clarify what constitutes a complaint and establish who the authorities are. Mr. Lacey stated this language is already included in the Fire Code.

Councilmember King asked what is constitutionally permissible in apartment complexes. Mr. Lacey stated the Fire Code is specific in establishing the ground rules and is followed by the Fire Department. The Fire Department has the right to mitigate unsafe circumstances.

Councilmember Collins stated this is frequent problem in her jurisdiction and asked how violations are enforced. Mr. Lacey explained the process.

8.E. [16-460](#) A resolution authorizing the disposal of surplus city-property to WH Capital, LLC as the one logical, potential purchaser

Presenter:
Mike Chaves, P.E., Engineering Manager
Aaron Egbert, P.E., Senior Civil Engineer

Attachments: [PW-DisposalSurplusPropertyRES-2016-07-15](#)

[Exhibit A](#)

[Exhibit B](#)

[WH Capital LLC Presentation](#)

[Signed Resolution 79-16.pdf](#)

Aaron Egbert with City Engineering explained property purchased for the realignment of Fillmore St. at I-25 resulted in the City having some excess property which a local business has expressed interest in purchasing from the City.

Councilmember Knight asked if the City should have another appraisal performed on the property as he feels the value assessed by the appraisal obtained by the buyer seems low. Mr. Egbert explained this property is the remnant of four properties, which will require a fair amount of work to reconcile, and City Engineering did not think the cost of an additional appraisal would be justified.

8.F. [16-461](#)

A resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) for the funding of the Platte Avenue Bridge Project over Sand Creek.

Presenter:

Mike Chaves, P.E., CIP Engineering Manager

Aaron Egbert, P.E., Senior Engineer

Attachments: [Resolution-IGA Platte Avenue Bridge](#)

[IGA Platte Avenue Bridge over Sandcreek](#)

[IGA Platte Bridge over Sand Creek Presentation](#)

Aaron Egbert with City Engineering explained this is a combined project with CDOT to replace and complete two drainage structures and bridges which have reached the end of their service lives. This will be done in conjunction with a planned 2C road construction project.

Councilmember Collins requested Engineering look at the drainage near Fire Station 8 as some flooding of houses nearby has occurred recently. Mr. Egbert stated the bridge and drainage ditch near that facility is scheduled to be replaced as a safety project.

8.G. [CPC CA](#)
[16-00073](#)

Ordinance No. 16-84 amending Section 206 (Parking Exempt Districts) of Part 2 (Off-street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as

amended, pertaining to the Old Colorado City Parking Exempt District.

(Legislative)

Presenter:

Michael Turisk, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [OCC Parking Exempt District ordinance](#)
[CPC CA 16-00071-BUFFER - Old Colorado City Parking Exemption Expansion Signed Ordinance 16-84.pdf](#)

Michael Turisk, Planner II, provided a background summary of the district and the events leading to this proposal designed to provide more commercial parking in the area.

Councilmember Knight asked if there are multi-family units in the area that would potentially drive residents to park in spaces intended for retail use. Mr. Turisk stated there are few residential units in the area.

Meggan Herington, Development Review Manager, stated there are not any apartment complexes in the area and the only potential residents would be in existing units above commercial spaces who already have established parking spaces. Council President Bennett stated there are not any apartment complexes in the area. Ms. Herington added planned changes to the parking requirements will be coming to Council in the near future, allowing the City to be more creative with parking options.

- 8.H.** [CPC CA 16-00079](#) Ordinance No. 17-26 amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Geological Hazard Study and Mitigation.
(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director

Attachments: [Plan_Dev-GeologicalHazardORD-2017-03-01-Final 3.14.17 geohazard CC presentation](#)
[Minutes_GeoHazard_02.16.17](#)
[Ordinance 17-26](#)

This item was postponed to the August 22, 2016 meeting.

- 8.I.** [16-468](#) Ordinance No. 16-122 amending all sections of Article 3 (Code of

Ethics) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Tracy Lessig, Division Chief-Employment, City Attorney's Office
Andy Pico, City Council Member, District 6

Attachments: [112116 Ordinance Ethics Code](#)
[112116 Ordinance Ethics Code redline](#)
[Ordinance 16-122](#)

Tracy Lessig with the City Attorney's Office stated Council has been provided a document that includes examples of acceptable and unacceptable gifts under the gift provisions included in the proposal. Council President Bennett suggested, for the sake of time, Councilmembers review this document on their own and present questions at a later date.

Ms. Lessig stated the Independent Ethics Commission has had an event arise which will likely delay this proposal. The State Independent Ethics Commission has issued some proposed guidance on what it takes for a home rule municipality to be exempt from the State standards. Ms. Lessig stated the City plans to file an objection regarding some of the language in the proposed draft. The proposed changes to the City Code of Ethics will not be finalized until the State issues a final decision on this item.

Ms. Lessig reviewed the proposed changes to the City Code of Ethics.

Ms. Lessig requested Council make a determination as to the required vote to select a hearing officer for an ethics case. Council discussed the options and deferred this decision to a later date.

9. Items Under Study

9.A. [16-473](#) Code Review Project Update

Presenter:

Councilmembers Don Knight, Larry Bagley, and Tom Strand

Attachments: [072516 Code Review Project Updates slides](#)

Councilmember Knight provided a summary of the work done by the Code Review Committee and reviewed the proposed changes, adding efforts to-date have been focused on chapter one of City Code. The

next step in the process will be to have the City Attorney's Office draft an amended version of City Code based on the recommended changes.

Council discussed the budget process time lines and time-limits for interim staff filling vacancies in upper level positions.

Consensus of Council agreed to have the City Attorney's Office draft the revised version of Chapter One of City Code to include the changes discussed in this meeting.

Councilmember Bagley and Council President Pro Tem Gaebler were excused.

10.

Councilmember Reports and Open Discussion

Council President Bennett stated he and Council President Pro Tem Gaebler have been asked to participate in the Fire Chief Interviews Friday July 29, 2016.

Council President Bennett stated Council has been invited to attend a dedication ceremony relating to the Buffalo Soldiers Memorial Highway this Thursday at noon.

Council President Bennett stated Councilmember King and Council President Pro Tem Gaebler have been chosen to represent Council on the Southwest Downtown Development Council. Jeff Greene, Chief of Staff, stated the next meeting will be rescheduled to a later date; Council representatives will receive a personal invitation.

Councilmember Knight stated the 2C Review Committee spawned a Road Work Warranty Committee and requested two Councilmembers be appointed to this committee. Councilmembers Murray and Collins expressed interest in this opportunity. Council President Bennett will see if others are interested and make the appointments. The next meeting will be held August 15, 2016.

Councilmember King initiated a discussion about incentivizing FEMA to assist home owners in our community who have been affected by the recent land slide issues. Dennis Kripps spoke about his personal experience of being a home owner affected by the landslides. Council will continue this discussion in the Council Staff Planning Meeting tomorrow at 11:30.

11. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah Johnson, City Clerk